

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHARON DENISE JONES,

Plaintiff,
v.

Case Number 15-10171
Honorable David M. Lawson
Magistrate Judge Anthony P. Patti

U.S. DEPARTMENT OF EDUCATION,
WAYNE STATE UNIVERSITY, PIONEER
CREDIT RECOVERY, INC., APRIL
EWING-MILES, and ARNE DUNCAN,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING DEFENDANT
PIONEER CREDIT RECOVERY, INC.'S MOTION TO DISMISS [DKT. #9] AND
DEFENDANTS WAYNE STATE UNIVERSITY AND APRIL EWING-MILES'S
MOTION TO DISMISS [DKT. #11]**

Presently before the Court is the report issued on January 8, 2016 by Magistrate Judge Anthony P. Patti pursuant to 28 U.S.C. § 636(b), recommending that the Court deny defendant Pioneer Credit Recovery, Inc.'s motion to dismiss, and defendants Wayne State University and April Ewing-Miles's motion to dismiss. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #24] is **ADOPTED**.

It is further **ORDERED** that defendant Pioneer Credit Recovery, Inc.'s motion to dismiss [dkt. #9] is **DENIED WITHOUT PREJUDICE**.

It is further **ORDERED** that defendants Wayne State University and April Ewing-Miles's motion to dismiss [dkt. #11] is **DENIED WITHOUT PREJUDICE**.

It is further **ORDERED** that if the plaintiff desires to file an amended complaint, then she must do so **on or before February 9, 2016**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: January 26, 2016

<u>PROOF OF SERVICE</u>
The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 26, 2016.
<u>s/Susan Pinkowski</u> SUSAN PINKOWSKI